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OCT 28 2004

OFFICE OF PETITIONS

In re Application of :
Carrascal, et al. : DECISION REFUSING STATUS
Application No. 10/791,920 : UNDER 37 CFR 1.47(a)
Filed: March 2, 2004 :
Atty. Dkt. No.: 101216-39 :
For: COMPOSITION FOR DYEING HUMAN :
HAIR :

This decision is in response to the renewed petition under 37 CFR 1.47(a), filed September 21, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed March 2, 2004 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed May 21, 2004 requiring an executed oath or declaration and a surcharge.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition lacks item (1) set forth above.

Petitioners have failed to establish that joint inventor Isabel Carrascal refuses to sign the declaration after having been presented with the application papers. The petition executed by

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Petitions Attorney
Office of Petitions